UNITED
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Security Council

Distr.
GENERAL

S/1997/306
14 April 1997
ENGLISH
ORIGINAL: RUSSIAN

NOTE VERBALE DATED 10 APRIL 1997 FROM THE PERMANENT MISSION OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the Russian Federation to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform him that Mr. V. I. Sergeev, Senior Counsellor in the Mission of the Russian Federation to the United Nations, has been appointed alternative representative of the Russian Federation on the Security Council.

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UNITED
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Security Council

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GENERAL

S/1997/306*
16 April 1997

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF THE RUSSIAN FEDERATION ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 10 April 1997 from the Permanent Mission of the Russian Federation to the United Nations, stating that Mr. Vladimir I. Sergeev has been appointed alternate representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.

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* Reissued for technical reasons.

97-10413 (E) 160497

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Security Council

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GENERAL

S/1997/306**
21 April 1997

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF THE RUSSIAN FEDERATION ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 10 April 1997 from the Permanent Mission of the Russian Federation to the United Nations, stating that Mr. Vladimir N. Sergeev has been appointed alternate representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.

** Second reissue for technical reasons.

97-10704 (E) 210497

UNITED
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Security Council

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GENERAL

S/1997/307
14 April 1997

ORIGINAL: ENGLISH

LETTER DATED 7 APRIL 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my predecessor's letter of 15 November 1996 to the President of the Security Council (S/1996/947), informing members of the Council of the extension for six months of the mandate of my Representative in Cambodia in keeping with the spirit and principles of the Paris Agreements.

I wish to inform you in this regard that, following consultations with the Government of Cambodia, I have decided on a further six months' extension of the Office of my Representative in Phnom Penh. My Representative will continue to be assisted by one military adviser.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

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UNITED
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Security Council

Distr.
GENERAL

S/1997/308
14 April 1997

ORIGINAL: ENGLISH

LETTER DATED 14 APRIL 1997 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 7 April 1997 (S/1997/307) has been brought to the attention of the members of the Security Council. The members of the Council take note of the information contained in the letter and welcome your decision to extend the mandate of your Representative in Cambodia for six months.

(Signed) António MONTEIRO
President of the Security Council

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UNITED
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Security Council

Distr.
GENERAL

S/1997/309
14 April 1997

ORIGINAL: ENGLISH

LETTER DATED 11 APRIL 1997 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you the present response to a fresh allegation made by the Foreign Minister of Sudan's National Islamic Front (NIF) regime in his letter dated 3 April 1997, addressed to the President of the Security Council and circulated to member States as a document of the Council (S/1997/271).

In that letter, the Foreign Minister of the Sudan once again accused my Government of committing further acts of aggression against the territory of the eastern part of the country. The letter also gave details of dates of military operations and places allegedly attacked by Eritrean forces.

That the NIF regime's foundation is shaken by current ongoing political opposition and armed operations is a public secret which needs no elaboration. The Sudan is steered today by the escalation of armed resistance waged by various opposition movements. The international community is well aware of and highly concerned about these internally caused developments.

However, the NIF regime is still engaged in a face-saving political and diplomatic game by distorting political realities so as to hoodwink public opinion. It has been practising this by ascribing its failure to solve its internal problems to others or mainly pointing accusing fingers at its neighbours.

The charges levelled against my Government in the above-mentioned letter are but a continuation of this lame and desperate fabrication.

Once again, my Government denies any involvement in Sudanese internal affairs and categorically rejects the new false accusations by the NIF regime of Eritrean acts of aggression in eastern Sudan.

I should be grateful if you would kindly circulate the present letter as a document of the Security Council.

(Signed) Amdemicael KAHSAI
Permanent Representative

97-10065 (E) 140497 150497

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Distr.
GENERAL

S/1997/310
14 April 1997

ORIGINAL: ENGLISH

LETTER DATED 14 APRIL 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication dated 11 April 1997 from the High Representative, Mr. Carl Bildt, on the implementation of the Peace Agreement on Bosnia and Herzegovina (see annex).

I would appreciate your bringing it to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

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Annex

Letter dated 11 April 1997 from the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

I have the honour to transmit to you my fifth report on my activities as High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina (see appendix). I would appreciate your making the present report available to the Security Council.

(Signed) Carl BILDT

Appendix

Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General

I. INTRODUCTION

1. Pursuant to Security Council resolution 1031 (1995) of 15 December 1995, in which the Council endorsed my appointment as High Representative to 'monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to, and coordinate the activities of, the civilian organizations and agencies involved' in the implementation of the Peace Agreement on Bosnia and Herzegovina. I submit hereby my fifth report envisaged by annex 10 of the Peace Agreement and the Conclusions of the London Peace Implementation Conference of 8 and 9 December 1995.

2. The present report covers developments in the areas listed below during the period from the beginning of December 1996 to the end of March 1997.

II. INSTITUTIONAL ASPECTS

Office of the High Representative

3. My headquarters in Sarajevo and the secretariat in Brussels have, in the period described, continued to maintain operational coordination of civilian implementation activities inside Bosnia and Herzegovina, as well as contacts with the headquarters of the respective implementation organizations and agencies, closely following, so far as possible, the various international forums dealing with the Bosnian peace implementation.

4. During the reporting period, the peace process in Bosnia and Herzegovina, despite numerous difficulties, has been moving in a defined direction and there have been a number of positive developments. The emphasis has been placed on the implementation of the civilian aspects of the operation, these being essential for the normalization of life in Bosnia and Herzegovina. Specific attention has been given to two priority tasks: economic reconstruction on the territory of Bosnia and Herzegovina and the establishment of functioning common institutions. It is vital that the authorities start to assume joint responsibility for the implementation of the peace process and I have proceeded on this assumption.

5. The award of the Arbitration Tribunal for Brčko on 14 February regarding arrangements for the supervision of full implementation of the Peace Agreement in the Brčko area represents a major challenge for my Office in 1997. A Deputy High Representative was appointed on 7 March at the Brčko implementation conference in Vienna to serve as Supervisor for Brčko operating within the existing Office of the High Representative (OHR) structure in accordance with my mandate under Annex 10 of the Peace Agreement. The period of supervision started in early April. Concrete implementation measures will follow when the

Supervisor decides that essential elements of the supervision structure are in place.

6. Regional coordination and monitoring the situation on the ground, in parallel with supporting the new common institutions, has been a priority. A regional office in Mostar was established in early January to cover southern Bosnia and Herzegovina following the end of the mandate of the Special Envoy of the European Union (EU). This will complement the existing regional office in Banja Luka. The regional reach provided by the two offices will be crucial during the consolidation period and will compensate for the cessation of the regional Joint Civilian Commissions, whose mandates have been superseded by the new common institutions of Bosnia and Herzegovina. These offices will continue to facilitate contacts at a local level, promoting inter-entity cooperation in a variety of fields.

7. My Office in Sarajevo has developed the capacity to conduct preventive, proactive and follow-up action and to structure diplomatic efforts in a concerted manner. As the peace implementation process moves into the consolidation period, these progressive achievements need to be both preserved and developed. Conditions for such continuity require countries that contribute personnel to maintain their current level of commitment. Many of the seconded staff who left at the end of 1996 have now been replaced; in response to the London Conference conclusions, I have received seconded staff from the European Commission and the World Bank. However, in view of the size of the tasks for 1997 and 1998, and the need to establish an effective office in Brčko, further secondments may be necessary.

Peace Implementation Council

8. The Steering Board of the Peace Implementation Council met monthly at the level of Political Directors.

9. The discussion at the meeting in Brussels on 21 January focused on the preparations for municipal elections, with representatives of the Organization for Security and Cooperation in Europe (OSCE) participating in the discussion. Financial issues were also discussed and it was decided to extend the 1996 financial period until the end of May 1997.

10. The 19 February meeting in Brussels dealt primarily with the implementation of the Brčko Arbitration and preparations for an extraordinary Steering Board with the parties. The United Nations Mission in Bosnia and Herzegovina (UNMIBH), including the International Police Task Force (IPTF), was represented by the Special Representative of the Secretary-General. The Steering Board also discussed regional stabilization issues with the Personal Representative of the OSCE Chairman-in-Office.

11. Following the meeting, a special Steering Board session took place in Vienna on the implementation of the Brčko arbitration. Representatives of Bosnia and Herzegovina and its entities, of the Republic of Croatia and the Federal Republic of Yugoslavia also attended. United Nations and other key implementation agencies or organizations contributed to the Conference.

III. COORDINATION OF CIVILIAN IMPLEMENTATION

Overall coordination

12. Regular meetings of the key implementation agencies were held at my office in Brussels, on 23 January, 20 February and 9 April, in order to assess the efforts undertaken by the different international agencies and organizations involved in the implementation of the Peace Agreement, and inform them of the conclusions of the meetings of the Steering Board.

13. I have continued extensive consultations with representatives of Governments and organizations. Since the beginning of the year, I have met, inter alia, with the OSCE Chairman-in-Office and the authorities of the North Atlantic Treaty Organization (NATO).

14. In Sarajevo, I have continued to convene, on a regular basis, principals' meetings with the participation of the Special Representative of the United Nations Secretary-General, the IPTF Commissioner, the Special Envoy of the Office of the United Nations High Commissioner for Refugees (UNHCR), the Commander of the Stabilization Force (SFOR) and the OSCE Head of Mission. These meetings have proved helpful and effective in coordinating efforts of the key implementation structures on the ground, particularly in facilitating the work of the new common institutions and in defusing potentially dangerous situations in the zone of separation. I expect that this format will be maintained through the consolidation period.

15. The Economic Task Force, which meets on a regular basis in Sarajevo, is now operational and proves to be a useful tool to ensure coordination of principles and priorities of international reconstruction assistance.

16. At the end of January, I initiated the establishment of the Reconstruction and Return Task Force, composed of my Office, UNHCR, the European Community, the World Bank, the International Management Group and the Property Rights Commission. After the first high-level session of the Reconstruction and Return Task Force at Geneva, a series of meetings have been held in Sarajevo with the aim of presenting a policy paper to the international community by early April.

17. The Freedom of Movement Task Force, mandated at the London Conference and consisting of representatives of my Office, IPTF and SFOR and interested countries, was established on 20 December. The Task Force has met a number of times since its establishment and is exploring various implementing mechanisms to promote freedom of movement for people, goods and mail.

Common institutions of Bosnia and Herzegovina

18. The Constitution of Bosnia and Herzegovina provides for six common institutions in annex 4 of the Peace Agreement: the Presidency, the Council of Ministers, the Parliamentary Assembly, the Constitutional Court, the Central Bank and the Standing Committee on Military Matters.

19. Following my activities in late 1996 to implement the results of the September elections, my Office worked hard to ensure that the key bodies of the common institutions - the Council of Ministers and the Parliamentary Assembly - were operational from the beginning of January. Progress has been slow; they are functioning, but have yet to become truly effective and self-sustaining.

Presidency

20. The Presidency held seven regular working sessions during the reporting period. The Presidency nominated the Co-Chairs of the Council of Ministers of Bosnia and Herzegovina, signed agreements with the European Bank for Reconstruction and Development (EBRD), the United Nations Children's Fund (UNICEF) and the World Bank and agreed to establish a Standing Committee on Military Matters. The Presidency also signed the decisions on interim financing of the Presidency and its offices; on interim accommodation for the members of the Presidency and their offices, and on establishment and internal organization of the Offices. The Presidency has also carried out some procedural tasks such as accepting the accreditation of several Ambassadors to Bosnia and Herzegovina, forming working groups and attributing tasks to the Council of Ministers.

21. The Presidency has a number of important outstanding issues on its current agenda. The establishment of the Central Bank of Bosnia and Herzegovina, for example, could not be finalized by the Council of Ministers. The Presidency has instructed the Ministry of Foreign Affairs to prepare a proposal for the division of posts of ambassadors and other international representatives of Bosnia and Herzegovina abroad. This proposal has not yet been submitted. The London Conference conclusions refer to the responsibility of the Presidency for appointing ambassadors, and urges them to appoint any new or replacement ambassadors by the end of March 1997; however, this has yet to happen.

22. Given the crucial importance of international assistance to the reconstruction of Bosnia and Herzegovina, and the key role of the Council of Ministers in helping to secure that assistance, my Office organized an Economic Policy Forum on 12 January following the appointment of the Council of Ministers. Organized in coordination with the International Monetary Fund (IMF), the World Bank, the European Commission and the United States Treasury, the event was used to clarify the necessary action for an agreement with IMF, the principle precondition for holding the next donor conference. A joint short-term action plan and mid-term structural reform programme were presented. My Office's efforts in the subsequent months have centred on the passage of the emergency economic legislation within the quick start package (foreign trade, external debt, Central Bank, budget, customs policy and tariffs). This also enabled my Office to inject some substance into the new institutions from their inception.

Council of Ministers

23. The Council of Ministers met for its first session on 3 January 1997 following its appointment at the inaugural meeting of the Bosnia and Herzegovina House of Peoples. From January to the end of March the Council met in formal session on 14 occasions, and informally, or for "extraordinary" sessions, 3 times. Despite an increasingly cooperative atmosphere between the Council

members, few decisions have been forthcoming. However, its work is improving with each session and progress, although slow, is evident.

24. One of the more difficult issues in the first two months was the adoption of the Council's provisional rules of procedure, which were eventually signed on 20 February 1997. The main point of contention concerned the role of the Deputy Ministers and whether they should be full members of the Council, with the accompanying decision-making powers. A compromise was reached through provision for consensual decision-making within each ministry, with differences of opinion forwarded to the full Council. While cumbersome, these procedures should assist in overcoming residual mistrust and suspicion, and are designed to ensure fully participatory decision-making.

25. The quick start package was formally presented to the Council on 16 January and working groups were established to study the various laws. These working groups met at my Office, assisted by my staff, throughout the remainder of January, February and into March. Status reports, and eventually the laws themselves, were brought to the Council at the weekly sessions. Either I or my Principal Deputy have attended most of the Council sessions, and we have often been able to assist in clarifying or arbitrating in disputes, usually involving questions regarding the extent of the state authority provided in the Constitution. Currently, the Council has concluded work on two of the laws, and work continues on the remainder.

26. Little has been accomplished with regard to the common staff, structures or organization of the ministries. While each of the Council members now has offices in their respective entities, and a few personal assistants, neither the "services" envisioned in the rules of procedure nor the individual ministries have been established. The question of a permanent location for the common institutions must also be resolved. To address these issues, and in keeping with former practices, a Law on the Council of Ministers and Ministries, based on a draft produced by my Office, will be presented. It will undoubtedly prove contentious, as it will have to address issues regarding the competencies of the ministries, their location, and the status of the extant state structures of the Republic of Bosnia and Herzegovina. These issues must take priority in the coming months, concurrent with efforts to wean the common institutions from the support provided by my Office.

House of Representatives

27. The House of Representatives held its constitutive session in Sarajevo on 3 January. At this session the Verification Committee verified the mandates of all Members elected in the September elections. The House of Representatives also adopted its provisional rules of procedure and selected from its members one Serb, one Bosniak and one Croat to serve as its Chair and two Deputy-Chairs. According to the rules and regulations, the post of the Chair will rotate every eight months between them. At the same session, the House of Representatives approved a nomination of two Co-Chairs and the composition of the Council of Ministers of Bosnia and Herzegovina.

House of Peoples

28. The House of Peoples was constituted on 3 January 1997 in Sarajevo. At this first session, the Verification Committee verified the mandates of all its members. The House of Peoples has also adopted its provisional rules of procedure and selected from its members the Chair and two Co-Chairs of the House.

29. As progress with the quick start package has been slow, the Houses have not met since their first session. My Office is currently facilitating meetings between the Collegiums of Chair and Deputy-Chairs of both Houses to prepare for the next session. Disagreements on the contents of the agenda have resulted in the session being postponed a number of times; at present it is scheduled for 30 April 1997. The agenda should include the formation of the Committees of both Houses, the adoption of the quick start package draft laws submitted by the Council of Ministers and the ratification of international agreements signed by the Presidency of Bosnia and Herzegovina. The Collegiums are also discussing the organization of a secretariat for the Parliamentary Assembly.

Constitutional Court

30. All judges of the Constitutional Court have now been appointed. The judges from Republika Srpska were appointed at the session of the National Assembly of Republika Srpska on 16 March. The House of Representatives of the Federation elected two Bosniak judges on 24 January and two Croat judges on 18 March.

Central Bank

31. The Board of Governors of the Central Bank has been appointed and is meeting regularly and frequently, chaired by the international Governor, Mr. Serge Robert. The Board has worked intensively on a draft law on the new Central Bank of Bosnia and Herzegovina and has resolved most technical problems related to the establishment of the Central Bank. Disagreement still exists with respect to the number of branches, the name of the currency, the design of the bank notes and the duration of the interim period until a new currency can be established.

Standing Committee for Military Matters

32. The Presidency has taken the first step in establishing a Standing Committee for Military Matters, and endorsed its adoption at a recent Presidency session. Work must now proceed to ensure that the Committee meets and begins to function as a means of creating a confidence-building mechanism that promotes stability in Bosnia and Herzegovina and in its relations with neighbouring countries. Initially, this should involve the exchange of information and strengthening of links between entity defence and military staffs. Thereafter, greater transparency will be needed to define the Committee's civilian command authority and its responsibilities within Bosnia and Herzegovina's constitutional framework, and to correlate this with the entities' defence laws. In due time, and before SFOR withdraws, the Committee should assume a number of the functions of the Joint Military Commission.

Essential legislation

Law on citizenship

33. Of the non-economic laws included in the quick start package, the law on citizenship of Bosnia and Herzegovina is one of the most sensitive. The Constitution of Bosnia and Herzegovina states that there is a citizenship of Bosnia and Herzegovina, to be regulated by the Parliamentary Assembly, as well as a citizenship of each of the entities to be regulated by each entity, provided that all citizens of either entity are thereby citizens of Bosnia and Herzegovina. It is therefore essential that the entity laws are identical to the largest extent possible and are fully in line with the Bosnia and Herzegovina law on citizenship.

34. One of the working groups appointed by the Council of Ministers has considered the draft in close cooperation with my Office. At a recent meeting at the Council of Europe in Strasbourg, the members of the working group, representatives of the Legal Department of my Office and experts of the Council of Europe were able to find some solutions; however, a number of disputed issues remain. Of particular concern is the Republika Srpska's decision to extend citizenship of the Republika Srpska to residents of the former Yugoslavia, provided they register residence by the end of June 1998.

Law on passports

35. Closely related to citizenship is the issuing of passports and other travel documents. It is essential that all citizens of Bosnia and Herzegovina, in both entities, have access to internationally recognized passports. The draft law on passports, which is included in the quick start package, regulates the form of the passports and the way they are issued. The draft is currently being discussed by the working group.

Law on immunity

36. Included in the quick start package is also a draft law on immunity. The draft has recently been agreed upon by the Council of Ministers and will shortly be submitted to the Parliamentary Assembly. Members of the Presidency, the Parliamentary Assembly, the Council of Ministers, the judges of the Constitutional Court and the Governor and members of the Governing Board of the Central Bank are granted immunity for acts performed within the scope of their duties.

Joint commissions

37. Activities of the Provisional Election Commission (Annex 3), chaired by OSCE, are referred to in the elections section of the present report.

Commission on Human Rights

38. The Commission on Human Rights (Annex 6), composed of the Human Rights Chamber and the Ombudsperson, continued its work. To date, the Ombudsperson's

Office has opened approximately 1,200 provisional files, registered nearly 500 cases and referred 29 cases to the Human Rights Chamber. More than 55 requests for interim measures (under which the relevant Government is asked to refrain from taking certain actions pending review by the Ombudsperson) have been issued. The Human Rights Chamber began its first public hearing on 6 February 1997 and has now issued its rules of procedure.

39. The Human Rights Ombudsperson has recently issued final reports in several cases, finding human rights violations by both the Federation and the Republika Srpska, and has prepared a special report relating to violations of freedom of expression within the Republika Srpska. The authorities have been given until late April to respond to those findings. My Office will monitor the response of the authorities closely, and will intervene as necessary to support the findings of the Ombudsperson.

40. The response of the authorities in Bosnia and Herzegovina to these new institutions remains substantially inadequate. Neither entity has taken the concrete steps necessary to establish the Commission as an integral part of the legal framework of Bosnia and Herzegovina; to ensure full cooperation with the Ombudsperson and Human Rights Chamber by authorities at all levels; to establish procedures for assisting with human rights investigations and responding to requests or reports from the Ombudsperson and the Chamber; or to adopt legislation providing for the implementation and enforcement of their decisions.

41. Both institutions require additional support from the international community. On 25 February, the Presidency of Bosnia and Herzegovina expressed its support for the Commission and its commitment to fulfil its obligation under the Peace Agreement to provide sufficient funding. Given current economic constraints, the Government of Bosnia and Herzegovina has asked the international community to support a funding appeal by OSCE and the Council of Europe on behalf of the Commission.

42. Many victims of human rights violations in Bosnia and Herzegovina remain unaware of either their legal rights or the possible remedies available to them. Human rights organizations are encouraging the referral of cases to domestic human rights institutions and are assisting in publicizing their work. It is essential that the Commission on Human Rights have an impact throughout Bosnia and Herzegovina. To that end, additional steps should be taken to distribute information concerning the Commission (in particular, the Human Rights Chamber) beyond Sarajevo, especially in the Republika Srpska.

Commission to Preserve National Monuments

43. The Commission to Preserve National Monuments (Annex 8), coordinated by the United Nations Educational, Scientific and Cultural Organization (UNESCO), has established its working secretariat in Sarajevo and a back-up secretariat in Paris. Both are currently financed by UNESCO; proper funding through the entities' budgets has yet to be established. The Commission is studying the lists of national monuments submitted by the parties, with the intention of producing a consolidated list of designated national heritage sites. The Commission intends to establish a mechanism for the preservation of the designated cultural heritage of Bosnia and Herzegovina and, ultimately, to hand

over to a state-level institution. The Commission held its third session on 31 January and intends to reconvene in April.

Commission on Public Corporations

44. Despite numerous meetings and proposals from its international members on possible institutional structures for joint public facilities, the Commission on Public Corporations (Annex 9) has not reached any agreement. Moreover, the Commission has refused to give any guidance to the technical working groups that have been created to examine specific operational problems in some areas. The situation is particularly acute in the power and railway sectors and an agreement to establish a transportation corporation has remained a dead paper. I am, therefore, convening a meeting of the two Prime Ministers of the entities to examine the overall problem of public corporations and to try to resolve the evident political impasse.

Elections

45. The municipal elections this year will be of critical importance to the future development of Bosnia and Herzegovina. Their preparation must be closely correlated with the overall implementation of the Peace Agreement. Considerable resources, both financial and in terms of experienced elections personnel, will be required to supervise the preparation and conduct of the elections and to ensure that the results are fully implemented.

46. The overall approach to the preparation of the elections should continue to be as prescribed by the Steering Board of the Peace Implementation Council in October 1996, namely, higher quality for the municipal elections than that which prevailed for the general elections in September 1996; complete international supervision of all of the polling stations and of every stage of the election process; and that OSCE should have the structures for the likely re-runs as well as for the installation of the elected officials.

47. At the London Peace Implementation Conference in December 1996 it was agreed that the elections would be held by the summer of 1997. In its 21 January election plan for municipal elections, the OSCE Mission in Bosnia and Herzegovina announced a target date of 12 and 13 July, which proved to be untenable. Planning proceeded accordingly until the end of February. On 6 March, the OSCE Chairman-in-Office announced that, given the need for high-quality elections and firmness after these elections, he had decided that the elections should take place on 13 and 14 September. The decision to defer the municipal elections has provided a realistic time-frame in which the elections can be thoroughly prepared.

48. The Provisional Election Commission began its regulatory work in mid-January, somewhat later than had been anticipated. It has adopted a number of significant rules, in particular those which were necessary to accommodate the November 1996 memorandum of understanding between OSCE and the Republika Srpska, in which it was agreed that refugees may vote in an intended place of residence. Given the gross manipulation that took place in the registration process for the 1996 general elections, the Provisional Election Commission

adopted specific rules stipulating the requirements should refugees decide to vote in an intended place of residence.

49. A new affirmative voter registration has also been agreed by the Provisional Election Commission. If well prepared and properly executed under close international supervision, this registration should lead to a clearly defined electorate, thus avoiding the confusion and disputes that arose in September 1996. The challenges in registering voters remain considerable, however. For registration to succeed:

(a) The local election commissions must be trained and fully functioning well before the beginning of the registration process on 5 May;

(b) All those who are eligible to register must be able to do so in conveniently located registration centres. The Provisional Election Commission's 11 February decision to ensure international supervision of all of these centres is a significant measure by which the potential for fraud can be curtailed;

(c) The number and location of the polling stations must be carefully correlated with the specific requirements of each municipality. There should also be confidence that the number of polling stations currently envisaged, 2,300, is sufficient;

(d) A massive and effective voter education campaign will be required because an active voter registration process is not part of local political tradition.

50. The Provisional Election Commission has also adopted a number of other rules, including those which provide for the participation of political parties in the work of the local election commissions. It has also strengthened its provisions regarding the media. The Commission should complete its regulatory work soon and try to avoid preparing rules late in the electoral process, as happened in 1996.

51. The municipal basis for the elections in the Federation needs to be resolved, both with regard to those municipalities which were divided by the inter-entity boundary line, and from the perspective of the calls for the establishment of some new municipalities within the Federation. An Advisory Commission, which worked under the auspices of the Council of Europe, was established by the Federation Forum on 3 February to examine these issues. Its opinion - in the form of a draft law prepared by my Legal Department and experts of the Council of Europe - was communicated to the Federation Government on 3 March. The Federation Ministries of Justice and Urban Planning are currently preparing a final text, which will be submitted shortly to the Federation Parliamentary Assembly. An early decision is required to enable OSCE to proceed in its planning with a clear vision of the Federation's municipal structure.

52. The London Conference conclusions stressed the importance of tackling the crucial post-election issues. Recent events in Serbia have underlined that the electoral process does not stop on polling day: officials must be able to take office and perform their duties. As the London Conference had requested close

coordination on the planning of the election process and the management of the post-election period, my Office prepared a preliminary paper on those issues for the 21 January meeting of the Steering Board of the Peace Implementation Council. Considerable problems can be expected with the implementation of the election results; OSCE has, therefore, recently established a post-election planning group, in which my Office, IPTF, SFOR, UNHCR, the European Community Monitoring Mission and the Council of Europe participate.

53. A sound electoral process is the essential ingredient in the peace implementation process in 1997. Quality, determination and complete implementation of the election results will be essential for the advancement of the democratic process in Bosnia and Herzegovina.

Federation issues

54. The implementation of the Federation remains one of the major fields of activity of my Office. The first months of 1997 were characterized by continuing mistrust between the Federation partners. In January, the Prime Minister called publicly for the resignation of his Deputy because of some alleged customs irregularities. At the end of the same month, the Croatian Democratic Union (HDZ) froze its participation in the Federation Government and the Federation Assembly until some unsettled issues were resolved, in particular the formation of new municipalities.

55. At a Federation Forum on 3 February, my Office, in cooperation with the United States Government, tried to bridge some of the most recent differences. Agreement was reached on the establishment of an advisory commission, led by the European Council, to address the question of municipalities. In addition, the next steps on organizational questions regarding Sarajevo and Mostar, as well as the new dates for the formation of the Federation police, were agreed.

56. However, none of the deadlines could be kept owing to an eruption of violence in Mostar on 10 February, when West Mostar police officers shot at the backs of Bosniak cemetery visitors. This was followed by a series of assaults on travellers in the Mostar area and a wave of evictions in West Mostar. In response, my Principal Deputy, together with the Commander of SFOR and the IPTF Commissioner, assembled Federation leaders on 12 February, and reached agreement on the decisions on Mostar, in which the Task Force was requested to submit a report on the 10 February events. In its report of 24 February, three police officers were clearly identified as perpetrators of the shooting. The conclusions from the report, in particular the arrest and punishment of the perpetrators, were endorsed by the Security Council on 11 March. As yet, there has not been compliance. On 25 March, IPTF and my Office submitted a second report on the situation in Mostar, from 1 January to 15 February, which graphically illustrated that neither the political authorities, nor the police of Mostar, had reacted appropriately to the human rights and security situation in the city. It further outlined the consistent police failure to respond to incidents involving victims of an ethnicity other than their own.

57. After international pressure and some intervention from Zagreb, the situation in Mostar calmed down and the security environment improved in the

aftermath of 10 February, some West Mostar gang leaders were arrested, amongst them strongmen Mladen Tuta Nalctelic and Vinko Stela Martinovic, both of whom are being held in prison in Zagreb. In the medium and long term, these arrests may add to the stabilization of the situation in Mostar, but the crimes committed on 10 February remain unpunished. On 4 April, the United Police Force of Mostar started to function again, working in joint cantonal police uniforms, an important step towards the unification of the police in the whole of the Herzegovina Neretva Canton, possibly in late April.

58. In March, the HDZ returned to the Federation Assembly and Government. On 18 March, both Federation Houses elected the new Federation President, Vladimir Soljic, and his Deputy, Ejup Ganic. On 20 March, the Government adopted a draft law on the Federation Implementation Council, which will, if adopted by the Federation Assembly, facilitate the removal from office of officials who obstruct the implementation of the Federation. On the financial side, the customs system was put back on track after some danger of falling apart in January and February. On 20 March, the Government adopted the Federation budget, which now awaits approval by the Assembly, scheduled for 16 April.

59. On 26 February, the Advisory Commission on Municipalities finished its work on the splitting of municipalities and the first group of new municipalities, and submitted a draft law to the Government. Owing to some of the proposed new municipalities' being contested, in particular the Croat-populated Usora, the Government has not yet agreed on the draft law, thus posing a considerable problem to OSCE, which has to proceed with its planning for the municipal elections.

60. On 27 March, leaders of the parties represented in the Sarajevo Canton Assembly signed a comprehensive agreement on the implementation of the Sarajevo Protocol. Precise steps were outlined to establish the City Council, elect a mayor of Sarajevo and his deputies, and to amend the Federation and Canton Constitutions. Bosniaks, Croats and Serbs will have guaranteed rights in the governance of the city. If implemented, this would constitute a significant step towards ensuring the multi-ethnic character of Sarajevo, facilitating return, improving the climate in the Federation and ultimately providing the possibility for all peoples and citizens of Bosnia and Herzegovina to identify with their capital.

61. At the end of the reporting period, the recent crisis in the Federation appears to have been overcome, for the time being. It is clear that the implementation process needs further international attention and assistance, in particular regarding return of refugees and displaced persons. The relations within the Federation also depend, to a considerable degree, on the relations between the entities and within the common institutions.

Republika Srpska issues

62. The formation of the entity structures, as well as necessary legislative framework, has continued in the Republika Srpska. The National Assembly of the Republika Srpska held three sessions during the reporting period. The deputies

to the National Assembly, elected on the territory of the Federation, were allowed to participate fully in the work of the National Assembly without taking an oath. In order to facilitate their participation, my Office and IPTF provides technical support.

63. Since my last report (S/1996/1024), the reorganization of the structure of the Government has been finalized. The National Assembly adopted at its 7 February session the Law on the Government of Republika Srpska and Law on Ministries. These laws rationalized the structure of the Government and decreased the total number of ministries. The main pillars of the programme of the Government remain: defence of territorial integrity; organized settlement of the population to areas close to the inter-entity boundary line; economic reconstruction; and social protection of the people.

64. There are a number of issues, however, about which I am concerned. The Republika Srpska continues the pretence of statehood; a number of its laws are filled with references and terminology to this effect. The continuation of the Ministry of Foreign Affairs is contrary to the Peace Agreement, as is the reference to crucial issues of foreign economic policy in the newly adopted Law on the Senate of the Republika Srpska. A Law on Foreign Exchange, while short on specifics, gives wide powers to the National Bank of Republika Srpska to legislate the operation of the foreign exchange market and refers to 'new dinars' as the domestic currency. The recent amendments to the Law on Citizenship will further retard the process of agreeing on the quick start package.

65. An agreement between the Federal Republic of Yugoslavia and Republika Srpska, establishing a 'special parallel relationship', was signed in Belgrade on 28 February 1997 and was subsequently adopted by the Assemblies of the Republika Srpska and the Federal Republic of Yugoslavia. The agreement contains similar elements as those included in the agreement concluded between Croatia, the Republic of Bosnia and Herzegovina and the Federation, in Paris on 15 December 1995. Though the Constitution of Bosnia and Herzegovina allows for 'special parallel relationships' (Article III.2 a), my Office has considered the agreements and found that both suffer from constitutional shortcomings. Negotiations are also proceeding on the formation of a virtual customs union between the Republika Srpska and the Federal Republic of Yugoslavia and I have warned that this would be contrary to the Peace Agreement. We must insist that all agreements be reviewed by the Bosnia and Herzegovina Parliamentary Assembly and brought into line with the Constitution.

66. I am also concerned about the apparent disrespect displayed by some leaders in the Republika Srpska for the provisions and procedures of the Republika Srpska Constitution. This was especially evident during the conclusion of the above-mentioned agreement on a 'special parallel relationship' with the Federal Republic of Yugoslavia, which was signed on behalf of the Republika Srpska by Momcilo Krajišnik, the member from the territory of the Republika Srpska in the Presidency of Bosnia and Herzegovina, in violation of the Republika Srpska Constitution.

67. While such legislative posturing continues, the Republika Srpska economy is slipping further into decay. The initial boost from the return to peace was

short-lived and there is still large-scale unemployment, low income levels and a severely limited ability to care for the elderly and poor. My Office has made strenuous efforts to redirect the flow of international aid to the Republika Srpska in order to revitalize the economy and prevent inevitable social tensions.

68. At the same time, such aid must be conditioned to cooperation with the peace process. The authorities in the Republika Srpska must be convinced that their activities could lead to a severe reduction in planned economic aid and an increase in social turmoil, which would, ultimately, be to their own disadvantage and that of the people they purport to represent.

Media

69. Events elsewhere in the region underline the vital role of independent media in achieving democracy and stability. My Office is giving high priority to entrenching and consolidating independent media in all parts of Bosnia and Herzegovina.

70. The London Conference conclusions gave a reinforced role to my Office in coordinating international support to independent media projects: there are now regular media roundtables in Sarajevo with all major donors. A detailed database of existing and proposed projects has been set up, and an effective instrument now exists for avoiding overlap between different donors and agencies, and promoting cooperation between them.

71. My Office plays its most active role in assisting the Open Broadcast Network, as Chair of the Governing Council and its Steering Committee. The Network is the only true cross-entity broadcaster in Bosnia and Herzegovina. It carries the programming of TV-IN to most areas of the Federation and to much of the Republika Srpska in the area around Banja Luka. The project has had to overcome a number of institutional and technical problems. It has also had to endure much politically inspired public criticism designed to undermine what remains a fledgling but maturing television network. As such it continues to need the support, protection and nurture of the international community. The Network is now embarking on Stage Two of its development, a $7.4 million programme that will roughly double the audience for its programmes, set up a full-fledged affiliate station in the Republika Srpska with its own local identity and expand substantially the programming capacity both of the central hub in Sarajevo and of the affiliates. Stage Two will aim to consolidate the Network's operations over a two-year period, after which it should be self-sustaining.

72. The Republika Srpska is a crucial target in my efforts to promote independent media. A proposal for an independent printing house in Banja Luka is being finalized in conjunction with the democratization working group in Banja Luka; funding is being made available from European Union (EU) sources. As western Herzegovina is even more closed than the Republika Srpska to independent media, my Office is also seeking a proactive strategy with other international institutions and donors to promote the independent media in that region of Bosnia and Herzegovina.

73. At present, there is no comprehensive framework for the legal regulation of media in Bosnia and Herzegovina. The Federation does not even have a media law. My Office co-chairs with the United States Embassy the Federation Forum special group on media issues, and has given the Federation partners, as a possible basis for discussion, draft laws on broadcasting prepared by the European Institute for the Media. My Office is also in close touch with the Presidency working group preparing draft legislation on telecommunications, which has some limited implications for broadcasting. Our interest in the field of media law is in ensuring basic media freedoms and protecting independent media. It will be particularly important to ensure the position of cross-entity broadcasters within this framework.

Return of refugees and displaced persons

74. The beginning of 1997 has signalled a major push to repatriate refugees. Approximately 235,000 refugees and displaced persons are believed to have returned to their homes during 1996, mainly on a spontaneous and individual basis; the scene for 1997 promises to be more complex. Some host countries in Europe have started to lift temporary protection status and have begun large-scale organized repatriation. This is likely to create further disruption; the influx of returnees in 1996 has already used up much of the housing capacity in Bosnia and Herzegovina. Additionally, the homes of the refugees are, by and large, either destroyed or occupied by internally displaced people. A possible influx of Serbs from Eastern Slavonia into the Republika Srpska would merely exacerbate the problem.

75. Violent incidents, such as the shootings in Mostar on 10 February and the deliberate destruction of houses and shelters in the zone of separation, indicate the hostile environment minority returns can encounter. Nonetheless, the process of normalization has provided some openings to individual and low-profile minority returns. UNHCR estimates the number involved to be about 10,000, many more are signalling their wish to return to their homes across the inter-entity boundary line in both directions.

76. Since my last report, my Office has concentrated its efforts in three fields: the establishment of the Reconstruction and Return Task Force; support for the Coalition for Return; the implementation of the procedure for return and reconstruction in the zone of separation. Furthermore, my Office's overall efforts towards the economic reconstruction of Bosnia and Herzegovina, functioning common institutions and the improvement of the overall human rights, policing and judicial situation can be expected to have beneficial effects for the provision of durable solutions for displaced persons and returning refugees.

77. After consultations with UNHCR and other main actors, including the European Commission and the international financial institutions, I called for the inaugural meeting of the Reconstruction and Return Task Force on 4 February. The Task Force has sought to develop links between economic reconstruction and the return of refugees to maximize the impact of limited resources in supporting sustainable returns. Among the conclusions of the Task Force have been the need to focus resources in areas where there is both economic potential and expected refugee return, and the need to identify loan mechanisms to overcome the major

financing gap in the housing and relevant infrastructure sectors. The Task Force will submit recommendations to the donor community.

78. The Coalition for Return, a movement of displaced persons and refugees of all nationalities and from all parts of Bosnia and Herzegovina, has continued to grow during the reporting period. A number of refugee associations in third countries have also joined. By jointly expressing their interests, those most affected by the war and manipulation by the authorities are becoming a significant political force at the grass-roots level. This was expressed by the gathering of 270 members of the Coalition in Tuzla on 22 and 23 February. The Coalition has promoted the creation of an information network between displaced persons by organizing visits to communities throughout Bosnia and Herzegovina. Material support has been received to establish regional offices that will further improve contacts; the first is planned to open in April. My Office will continue to give technical and political support to the Coalition until such support is no longer required.

79. Returns to the zone of separation, on the basis of the procedure established in October 1996, have met a mixed fate. Violence directed against the labourers and the destruction of the prefabricated provisional shelters in the hamlet of Gajevi has hit the headlines. However, the successful administrative integration of returned villagers by Republika Srpska authorities, and joint police patrolling of Republika Srpska police and the International Police Task Force in the Sapna and Doboj areas, do indicate a changing attitude in some areas. Likewise, the Federation authorities have recognized that cross-inter-entity boundary line returns into the zone of separation have to be conducted in a civil and orderly manner.

80. Returns to the zone of separation have also been achieved in the Brčko municipality; reconstruction efforts have been ongoing under the adopted procedure for approximately nine months, with only some initial incidents of destruction of property. Returns to contentious areas and the endorsement of the procedure by the President of the Republika Srpska and the joint Bosnia and Herzegovina delegation to the UNHCR refugee ministers' meeting of 21 and 22 March give rise to the expectation that phased and orderly return to the zone of separation might become a more common and less disputed element of the stabilization process in 1997. A focused international effort will be needed to bring about the revitalization and normalization of this area through the return of its original inhabitants.

81. My Deputy in Brčko, acting as the supervisor, together with two deputies, to implement the arbitration award of 14 February 1997, will soon establish and oversee the realization of a special procedure to enable the return of original inhabitants to Brčko. Return is a core element of the arbitration award.

82. My Office will continue its task to coordinate the efforts of international actors to facilitate return and repatriation and to exercise contingency measures. After its recommendations to the donor conference, the Reconstruction and Return Task Force will remain engaged in efforts to harmonize economic reconstruction with return requirements. I will continue to press the Governments in Bosnia and Herzegovina to fulfil their obligations to create

conditions favourable to return, and will closely monitor other durable solutions offered to the community of displaced persons and refugees.

Freedom of movement

83. Improvements in freedom of movement have been facilitated by the elimination of checkpoints and the establishment of inter-entity bus lines operated by UNHCR. Under the auspices of UNHCR and the International Police Task Force, visits to graveyards or former homes in the other entity have increased. However, freedom of movement is severely restricted by inappropriate policing practices and the lack of telecommunications and infrastructure.

84. The Freedom of Movement Task Force, mandated at the London Conference and consisting of representatives of my Office, the IPTF and SFOR and interested countries, has met a number of times to explore various implementing mechanisms to promote freedom of movement for people, goods and mail.

85. Police practices in both entities are the single greatest obstacle to freedom of movement. The police engage in conduct that tends to make the inter-entity boundary line a boundary, especially along the major arteries crossing the line. Checkpoints, the confiscation of documents and arbitrary fines act as a deterrent to the movement of individuals. My Office fully supports the work of the IPTF to restructure and retrain the local police forces and I welcome the commitment to provide a further 186 IPTF monitors, and 11 civilians, for the Brčko region.

86. Uniform driver documentation and vehicle number plates would considerably facilitate freedom of movement. This issue has been raised within the Council of Ministers, though at present it is only being considered for those Ministers and bureaucrats who need to cross the inter-entity boundary line. The Freedom of Movement Task Force will also be considering alternative methods to resolve the issue.

87. The internal transit agreement signed earlier in 1997 has contributed towards the free movement of foreign goods between the two entities. The flow of domestic goods has however encountered problems similar to those experienced by private cars. Uniform number-plates and the adoption of the customs laws in the quick start package are essential if there is to be real progress in this field.

88. The cross-inter-entity boundary line bus lines established by UNHCR have become an effective tool in promoting freedom of movement between the two entities for displaced persons, returnees and the local population. Under the auspices of my Office, the Chambers of Commerce and bus companies of the two entities have been meeting to discuss the registration of inter-entity bus lines. UNHCR will be included in future talks. The implementation of locally run inter-entity passenger traffic will be a vital step forward to the realization of freedom of movement.

89. Inter-entity railway traffic should be established. In early February, the Commission for Public Corporations established a railways commission and four

working groups to address the different aspects of the problem. Progress has however floundered on the differing concepts of the railways structure.

90. Exchange of information and regular contact between the citizens of the two entities would contribute towards a climate conducive to movement. My Office is working with the European Commission to establish inter-entity telecommunications, but has encountered considerable reluctance from all sides to share exchanges or management. A new structural approach may have to be adopted; it is also essential that frequency control, management and telecommunications will be covered by just one of the Bosnia and Herzegovina ministries.

91. In the Brčko area, the supervisor will promote a series of steps to ensure freedom of movement of people, goods and commerce. The announcement by Bosnia and Herzegovina and Croatia of their intention to start immediate discussions on the rapid opening of their common border, with customs procedures and controls consistent with European standards, will be of particular importance for the Brčko area.

92. As part of the economic rehabilitation of the Brčko area, the European Commission, the World Bank and the United States Agency for International Development (USAID) have agreed to make major investments to improve road and rail structures of the area. Measures are urgently needed to upgrade the east-west road through the area, as well as the key road and rail bridges over the River Sava both in the immediate Brčko area and further to the west at Orasje and Samac. This would improve north-south communications for the unhindered use of both entities and all communities of Bosnia and Herzegovina. The supervisor will also study the river traffic in cooperation with the parties.

Missing persons, mass graves

93. The issue of missing persons remains highly volatile after a year of halting and inadequate progress. The exact number of missing persons is uncertain; the International Committee of the Red Cross (ICRC) has received tracing requests for more than 19,000 persons; the Bosnian authorities estimate the number of missing to be closer to 30,000. To date, the status of approximately 1,000 missing individuals has been clarified. Owing to the lack of progress, ICRC is currently looking at new ways to move its tracing process forward.

94. Recognizing that the missing are - with very few, if any, exceptions - deceased, the local authorities, my Office and other members of the international community have focused efforts on the exhumation of mass graves and the clearing of unburied mortal remains. After the winter delay, the parties met on 31 March under the auspices of my Office and agreed to resume inter-entity exhumations on 10 April. Work will begin simultaneously at two sites on that date.

95. While frustrating for the families of the missing, the winter-imposed break in exhumations provided an opportunity for the international community to organize resources and focus activities in order to improve the conduct of joint

exhumations during 1997. Under the auspices of the Expert Group on Exhumations and Missing Persons, chaired by my Office and consisting of several international organizations, a number of efforts are under way to assist the joint exhumation and identification process. These include projects by Physicians for Human Rights to train Bosnian scientists and technicians in exhumation techniques, to provide a coordinator for international forensic monitoring of exhumations and to establish an ante-mortem database (in conjunction with the Association for the Promotion of the Ludwig Boltzmann Institute of Human Rights). Physicians for Human Rights is also working on an identification project designed to assist in scientifically verifiable identification of mortal remains.

96. The International Commission on Missing Persons announced at its meeting on 21 March that it had established a fund to aid family associations of missing persons. The Commission has also indicated its willingness to support aspects of the exhumation process such as the demining of exhumation sites and the provision of equipment for exhumations and identification. Other assistance provided by the international community includes donations from the Government of Switzerland and the United Nations trust fund.

97. Although beneficial, these projects cannot by themselves resolve the many issues relating to missing persons. Additional resources, security for exhumation sites and substantial political will are required if this issue is to be addressed effectively.

Human rights

98. The Peace Agreement expects the authorities to secure the highest level of internationally recognized human rights; however there are many indications that the responsible authorities in Bosnia and Herzegovina do not view this obligation as legally binding. The authorities have yet to take a number of concrete steps to demonstrate their commitment to protecting human rights. For example, both the Federation and the Republika Srpska conceded in July 1996 that their laws relating to abandoned property were contrary to basic human rights. Eight months later, neither entity has brought their laws into compliance with the Peace Agreement. The Republika Srpska has still to amend its amnesty law to extend coverage to persons who deserted or avoided military conscription. Such delays pose a substantial obstacle to return of refugees and displaced people and contribute to ethnic division.

99. The authorities responsible for protecting human rights, in particular the police, continue to account for a substantial portion of reported abuses. Political leaders and police in both the Federation and the Republika Srpska have often implicitly condoned abuses by failing to respond appropriately. A particularly egregious example is the failure of the Republika Srpska police to conduct proper investigations into four separate cases in which Bosniaks were murdered in Teslic, Doboj, Dubrave and Zvornik.

100. In addition, the police themselves are directly responsible for numerous abuses, most notably the 10 February incident in Mostar in which uniformed and plain clothes police fired at the backs of retreating civilians, killing one and

injuring more than 20 people. Arrests have still not been made in the case of a Bosniak man who was beaten to death while in police custody in Banja Luka last summer; this month the local police proposed to the Ministry of Internal Affairs of the Republika Srpska that the salaries of the five officers on duty be partially docked for one month. In both entities there have been numerous reports of beatings in detention.

101. These problems graphically illustrate the need for the restructuring and training of the entities' police forces to be accelerated. While the vetting of the Federation police forces is under way, the Republika Srpska has yet to submit the lists of officers to be vetted. The Republika Srpska must fully cooperate with the IPTF in the restructuring and reduction of the Republika Srpska police force.

102. A precarious human rights situation, characterized by widespread discrimination and abuse on ethnic grounds, continues to reign. Harassment of minorities residing, visiting or travelling through areas where another group is in the majority continues unabated. The most severe abuses are occurring in the Republika Srpska and in Croat majority areas in western Herzegovina. A worrying development during the reporting period has been the tit-for-tat attacks on religious and cultural edifices, such as churches, mosques and cemeteries, within the Federation.

103. Inter-ethnic tensions within the Federation and between the two entities continues to prompt forced and illegal evictions of minorities. Destruction of minority-owned homes in the zone of separation and in other towns during the period under review further polluted the human rights environment in areas targeted for return of refugees and displaced persons. Widespread discrimination against ethnic minorities and supporters of opposition political parties, in the fields of employment, education and access to services continued, particularly in the Republika Srpska.

104. My Office is working with UNHCR and the Sarajevo city authorities to ensure that housing reconstruction furthers the right of return of pre-war occupants. Efforts continue to be directed at organizing local community councils, in areas where tense relations are reported between displaced Bosniaks and remaining Serbs. My Office has organized meetings between local authorities from Sarajevo canton and adjoining areas of the Republika Srpska to initiate police cooperation against crime; encourage freedom of movement; and to discuss possibilities of inter-entity economic cooperation in the wider Sarajevo region.

105. At its final meeting of 1996, the Human Rights Task Force set priorities for 1997 based on its assessment of the accomplishments and shortcomings of the human rights community's efforts to date. Priorities for this year include: human rights institution-building, involving both strengthening of human rights institutions and support for non-governmental organizations; development of a human rights culture through public information, education and democratization initiatives; strengthening the rule of law through projects including incorporation of human rights standards into law and reform of legal, administrative and law enforcement institutions.

106. Given the multiplicity of organizations involved in the human rights field, the Human Rights Task Force called for improved integration of activities at an operational level, as well as better coordination of responses to human rights abuses. To address these objectives, the Human Rights Coordination Centre Steering Board was established on 8 January 1997. The Steering Board, which is composed of the leading human rights/democratization officers of the major international implementing organizations, has been working to restructure coordination efforts to address both longer-term initiatives, as well as monitoring and response to more immediate issues.

107. Failure to implement the human rights provisions of the Peace Agreement should also be addressed by introducing new techniques to sanction non-compliance and by strengthening existing mechanisms. During 1996, the actions of some individuals hampered reconciliation and damaged the peace process. As agreed, an additional sanction that my Office will employ this year will be to request that persons who engage in substantial acts of non-compliance or human rights violations be denied visas allowing them to travel abroad. This sanction has now been applied for the first time on the three policemen identified as shooting at the retreating crowd in Mostar. Other strategies are being developed, including a more coordinated system for joint demarches to interested Governments and intergovernmental institutions, and methods to ensure effective and thorough incorporation of human rights considerations into decision-making relating to economic assistance and reconstruction.

Cooperation with the International Tribunal for the Former Yugoslavia and strengthening the rule of law

108. The failure of responsible authorities, particularly in the Republika Srpska, to fulfil their legal obligation to cooperate with the International Tribunal for the Former Yugoslavia, continues. The Republika Srpska has refused to arrest and surrender persons indicted by the Tribunal, relying on a provision in their Constitution that is clearly superseded by the Constitution of Bosnia and Herzegovina and other Annexes of the Peace Agreement. Concurrently, Bosnian Croat authorities have failed to arrest the numerous indicted persons who reside in or visit areas of the Federation previously under the control of the Croatian Defence Council (HVC). The presence in Bosnia and Herzegovina of people indicted by the Tribunal is a continuing threat to the peace process and a serious impediment to reconciliation. The responsible authorities must take immediate steps to execute arrest warrants for persons indicted by the Tribunal, to submit all cases involving suspected war crimes to it for review prior to arrest or prosecution by national courts, and to provide information to assist in Tribunal investigations.

109. The Steering Board has agreed that my Office will compile the necessary information to implement concrete measures against municipalities, such as Prijedor and Bosanski Samac, in which indicted persons hold public office.

110. During the reporting period, the Federation has taken some belated steps to implement the "rules of the road" agreed in Rome on 18 February 1996 by identifying cases submitted for review by the Tribunal. The Republika Srpska has submitted virtually no cases for review, and continues prosecutions in both

of the cases submitted in violation of the Rome agreement. In addition, both the Federation and the Republika Srpska continue to detain persons suspected of war crimes in violation of the Rome agreement.

111. Both entities should implement the rules of the road without further delay by submitting files on all persons suspected of war crimes to The Hague; terminating all prosecutions of persons for whom files have not been sent to the Tribunal; and releasing immediately any person detained on suspicion of war crimes should the Tribunal determine that the evidence submitted is not sufficient to warrant further detention or investigation. No arrests of war crimes suspects should occur prior to review and approval of a case by the Tribunal. It is essential that the international community provide the Tribunal with the resources it needs to fulfil its commitment to implement the rules of the road procedure and to monitor prosecutions and trials by national courts.

112. With regard to persons detained following the peace agreement, substantial human rights violations continue. Arbitrary detentions, including cases of tit-for-tat arrests, continue, as does the wartime practice of detaining people for the purposes of exchange. In late March the Federation authorities in Bihac failed to release a Serb detained without sufficient evidence until a Bosniak held in Banja Luka was released. The risk of arrest, which is compounded by the lack of clarity on who is being sought for war crimes, substantially impedes freedom of movement.

113. These problems demonstrate the importance of strengthening the rule of law in Bosnia and Herzegovina. The extensive list of human rights obligations, which form part of the Constitution, must be brought into law through adoption of implementing legislation and by review of existing laws to determine their compatibility with international human rights standards, in particular with the European Convention on Human Rights. The Federation has now formed an expert team to reform its criminal law and criminal procedure code; the Republika Srpska should begin this process with expedition and support from international institutions, including the Council of Europe. A greater effort is also required to inform the public both of their rights and of the legal framework which has been created to protect those rights. By monitoring sensitive trials and intervening to ensure that essential rights, such as the right to legal counsel, are protected, human rights organizations can play a vital role in deterring human rights abuses and building confidence in the legal system.

Economic reform and reconstruction

114. I have intensified my coordination efforts with major implementation agencies and international financing institutions, namely the World Bank, the European Commission, EBRD, IMF and the International Management Group, by creating a secretariat attached to the Economic Task Force. This initiative has been supported by the recent secondment of two additional economists from the World Bank and the European Commission.

115. In the first quarter of 1997, with the exception of the extension to the USAID programme for 1997 ($71 million), no other major credit or grant agreements on reconstruction projects were signed with Bosnia and Herzegovina

authorities. Implementation of ongoing projects has continued, however, and there is still a significant amount of project aid to be disbursed from 1996. In order to adjust the imbalance of last year, when virtually all reconstruction projects were conducted in the Federation, a project for critical imports and a transport sector programme for the Republika Srpska have been prepared by the World Bank and are scheduled to be presented to the World Bank Board in May. With respect to telecommunications, the European Commission has recently signed a contract to finance the repair of the Republika Srpska backbone system and its eventual linkage to the Federation.

116. Significant, but slow, progress has been made with respect to agreeing the minimum legal framework necessary for the development of the macro-economy and for reaching an agreement with IMF. After the presentation of the draft laws in the quick start package, which were prepared by various international lead agencies in coordination with my Office, substantial time was absorbed in expert working groups created by the Council of Ministers. Because of the delay, it has not yet been possible to hold the planned donors conference. However, most laws have now reached the stage where they can soon be presented to the Parliamentary Assembly, and my Office has been working with the Chairs of both Houses in order to facilitate their swift passage.

117. Within the framework of the transition to a market economy, I have continued to stress priority sectors such as infrastructure, employment generation and the restarting of production. The number of contracts completed or signed has increased by more than 600 in the last three months and, altogether, the total number of contracts related to civil works, and the provision of goods and services, now exceeds 1,500. There remain, however, significant financing gaps in all major sectors in spite of my strong recommendations to the donor community in the past. Also, in certain sectors such as railways or telecommunications, political constraints on the spot still impede quick project implementation. At the Donors Information Meeting, held at Brussels at the end of January, I pointed out that unless viable sector policies were adopted in these areas, no further financial commitments could be recommended. I will press to have these issues addressed at the 1997 donors conference.

118. The Implementation Conference on Brčko signalled the commitment of the international community to devote significant financial and material resources to the sustainable development of infrastructure, transportation links, repair and construction of housing, social facilities and community and business structures in the Brčko area. This targeted economic assistance will be provided only if the local authorities demonstrate sustained cooperation with my Office in Brčko.

119. A major challenge for 1997 is the expected mass return of refugees to Bosnia and Herzegovina from host countries in Western Europe. It is clear that this will place a large burden on the very fragile recovery process. The coordinating role of the Return and Reconstruction Task Force will be crucial to avoid the potential destabilizing effect of mass return.

Civil aviation

200. There have been some positive developments in the field of civil aviation. The number of civil carriers operating into Sarajevo Airport has progressively increased and the recent completion of work to fit an instrument landing system should further enhance the flow of civil traffic. Problems remain, however, not least the issue of a tunnel repair under the runway. These will have to be resolved quickly if the airport is to begin to operate to full capacity.

201. On a wider front the picture is less encouraging. Though the parties agreed at the London Conference to work collectively and on an equal basis in a Bosnia and Herzegovina civil aviation authority, this has yet to happen. Consequently, efforts to open the regional airports have been unproductive. An International Civil Aviation Organization (ICAO) team has recently completed a civil aviation master plan dealing with the transition to civil control of all Bosnia and Herzegovina's airports and airspace, but it remains to be seen whether this will stimulate progress when it is presented to the parties.

202. There has been one significant breakthrough, brokered in an initiative by SFOR, resulting in an agreement between SFOR, Croatia and the Federal Republic of Yugoslavia to reopen airspace over Bosnia and Herzegovina above altitudes of 33,000 feet to transiting civil aviation traffic. I welcome this development, given that it will provide financial benefit to Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, but more importantly because it should encourage the parties to begin working together with the international civil aviation authorities.

Mine clearance

203. Mine clearing has developed some momentum, but the resources available for this urgent task remain scarce and the number of mines being cleared is small. The efforts of the international community, working with the United Nations-sponsored Mine Action Task Force and the United Nations Mine Action Centre have been centred on a few well-focused and effective projects conducted by local companies, Norwegian Peoples Aid and United States Government-sponsored teams. The United Nations Mine Action Centre has drawn up a comprehensive organizational structure for mine-clearing activities across Bosnia and Herzegovina. However, a government structure has yet to be put fully in place and until it is, proper coordination related to associated funding will not take place.

204. The key element is the establishment of a fully representative Bosnia and Herzegovina commission for demining capable of assigning priority to activities and processing projects. It must be clear that funding will be utilized sensibly. The Commission has commenced work, but has yet to function as a truly effective body. It is imperative that it becomes operative soon, as urgent work is needed to take over certain project facilities and assume responsibility for the United Nations Mine Action Centre by the end of the year.

205. I welcome the new SFOR policy on mine clearing by the former warring factions. Linked to the United States Department of State's initiative to train

450 such mine clearers, it will stimulate the entities to accept greater responsibility for the long-term task of demining. SFOR has been strict with the implementation, and the training should provide a sound basis for strengthening the former warring factions' mine-clearing capability. International supervision is likely to be required to ensure that the former warring factions sustain their efforts once this training is complete.

Regional stabilization

206. Implementation of the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina, pursuant to Article II of Annex 1B of the Peace Agreement, continues to proceed satisfactorily. Close cooperation between the parties to the Agreement, the OSCE Mission and SFOR should contribute to the climate of trust and confidence necessary to lower military tensions over the longer term.

207. Progress with the implementation of the Agreement on Subregional Arms Control (the "Article IV" Agreement) has benefited from the renewed emphasis placed upon it at the London Conference. The parties have revised their declarations of the equipment regulated by the Agreement, with the effect of increasing the overall number of items to be destroyed and reducing the quantity to be exempted from the reduction process. Equipment declarations, however, could be improved and the Federation partners have yet to agree on the allocation of equipment within the terms of the Agreement. The parties must now redouble their efforts. It is likely that the full support of the international community will continue to be required to ensure that the letter and spirit of the Agreement are met on schedule. This will be an essential precursor to embarking on the negotiations for regional arms control under Article V of Annex 1B of the Peace Agreement.

IV. COOPERATION WITH THE STABILIZATION FORCE

208. The presence of a credible international military force continues to ensure that the parties pursue their goals through peaceful, political means. I envisage the need for this to continue for some considerable time to come.

209. The transition from the NATO-led Implementation Force (IFOR) to the significantly smaller Stabilization Force (SFOR) has not impinged upon the close cooperation established between the military and civilian agencies during the course of 1996. I and my staff continue to enjoy a close working relationship with General William Crouch, and his staff in theatre, and also with both the Supreme Allied Commander in Europe, at the Supreme Headquarters, Allied Powers, Europe (SHAPE) and NATO headquarters in Brussels.

210. As the smaller military force does not possess the same level of capability to support civilian tasks as its predecessor, it is more important than ever to ensure that there is common agreement on priorities and well-coordinated planning. I am confident that the arrangements are in place to maintain this over the coming year, as we tackle collectively some of the most important and

difficult aspects of the Peace Agreement, including the local elections and the return of refugees and displaced people to their homes.

V. LOOKING FORWARD

211. In my last report of 1996 (S/1996/1024), I noted that the first year of peace implementation was, overall, a year of success, although each step forward has demonstrated how many more are needed for the peace process to become self-sustaining and stable. The consolidation period of 1997 and 1998 should provide for this possibility.

212. During the first months of 1997, the focus of my Office's attention has been on constitutional implementation. It is, in my opinion, only by establishing and making the common institutions of Bosnia and Herzegovina operational, as is laid down in the Constitution of the Peace Agreement, that there is any possibility of taking the peace process forward.

213. With the common institutions functioning, there is hope of overcoming the bitter division of the country and addressing the pressing economic and social issues that are a legacy, not only of the war, but also of the failed policies of the previous decades. Without these institutions, there is a risk that the partition of Bosnia and Herzegovina could become permanent, thus endangering peace and stability in the country and in the region in the years ahead.

214. As noted above, all the common institutions have been established and, in most cases, have started to work. While my Office had to negotiate more or less every detail of the first meetings, they are now holding their sessions as a matter of routine and with only limited logistical support from my Office.

215. In order to be more than empty shells of little relevance, however, the common institutions must take decisions on the laws and other issues which will turn the State into a functioning reality. With the support of other members of the international community - most notably the European Commission, the World Bank, IMF and the United States Treasury - my Office has presented the so-called quick start package of interim essential legislation to the Council of Ministers. These laws and other measures constitute what we consider the minimum for the State to start functioning in the key areas under its competence.

216. Progress on these issues has been slow. There has been controversy between those seeking to limit the functions of the State to well below what has been agreed, and those seeking to expand its functions in the direction of a unitary State. Nevertheless, the quick start package has been moving forward, and I am confident that we will have decisions on all key issues in the near future.

217. These issues are important, not only in the context of building the common State, but also to pave the way for the economic reforms essential for the future economic and social development of the country. International reconstruction assistance will not continue on present levels for long; it is vital that conditions are created for self-sustained and rapid economic growth in the years ahead. This will require fundamental reforms to liberalize the

economy, to privatize assets and to open the way for foreign trade and competition.

218. If decisions are taken on the relevant parts of the quick start package, there will be the possibility for an agreement with IMF, which will pave the way for holding the next donor's conference. It is my hope that this will be possible towards the end of May, although the absence of an agreement with IMF would seriously limit the possibilities of holding a successful donor's conference. We would aim to mobilize funds, in the order of $1.4 billion, for reconstruction in 1997.

219. The economic and social issues are also important in facilitating return, not least of refugees from other countries primarily in Western Europe. We cannot expect refugees to return easily if they see a country in economic and social despair. In this context, it is naturally worrying that developments have lead to a situation in which the areas of the country from which the largest numbers of refugees originate have been receiving the least economic assistance.

220. During 1996, I reported on the disturbing trend towards ethnic separation. I regret to say that I see no fundamental improvement in the situation. We are beginning to see some individual and discreet minority returns to certain areas, but, as a rule, any attempt at major minority return is meeting fierce resistance ranging from the violent to the bureaucratic.

221. Of particular concern, in this respect, is the state of property legislation as it involves housing. Existing laws in both the Federation and the Republika Srpska make return very difficult, if not impossible. My Office has pointed out this situation repeatedly. In a recent landmark decision the Human Rights Ombudsperson for Bosnia and Herzegovina ruled that existing laws in the Federation fail to comply with the Peace Agreement; the same is true for the Republika Srpska.

222. Return is also hampered by the widely observed lack of respect for human rights. Here, the presence of IPTF is of essential importance, as is the programme to restructure and train the local police forces in the Federation and the Republika Srpska. The funding of these programmes is of great importance, and I am contemplating further initiatives, in coordination with the Special Representative of the Secretary-General and Commander of IPTF, in order to ensure that these programmes can be carried forward as planned.

223. I welcome the authorization by the Security Council to lift the ceiling for IPTF monitors, in order to be able to take part in the full implementation of the Brčko supervision. I regret, however, that it has taken so long to obtain approval for the IPTF increases necessary to reinforce human rights supervision procedures agreed at the London Conference.

224. An issue of particular concern to me is the question of full cooperation with the International Tribunal for the Former Yugoslavia. Neither the Federation nor the Republika Srpska cooperates to the extent required, and I am particularly concerned with situations where indicted persons hold public positions or exercise de facto political influence.

225. According to my information, persons indicted by the Tribunal hold public office or exercise public functions in the Republika Srpska municipalities of Bosanska Samac and Foca. I will recommend to international organizations that they cease all contacts with these municipalities, other than those necessary for assembling information, organizing election matters or for helping individuals in need. In the Federation, I am worried that a number of indicted persons living and working in the municipality of Vitez are tolerated.

226. Of further concern are the ongoing activities of Mr. Radovan Karadžić in the Republika Srpska. In spite of his undertakings to the contrary, and those of the Republika Srpska leadership, he seeks consistently to influence the political process. He remains a force of evil and intrigue that can only taint those personalities and institutions of the Republika Srpska which continue to tolerate his activities. This applies, in my judgement, to the member of the Presidency of Bosnia and Herzegovina, Mr. Krajišnik. I would therefore recommend that contacts with him be limited to essential business related to his function as a member of the Presidency.

227. It remains my opinion that these issues must be resolved if we are to carry the political part of the peace process forward as envisaged.

228. Although we are only at the beginning of the consolidation period, it is only natural that we should look ahead in order to meet the different challenges.

229. It will take time, even under the best of circumstances, for the political institutions of Bosnia and Herzegovina, with the help of the international community, to implement all the civilian and related provisions of the Peace Agreement. The rebuilding and reintegration of Bosnia has progressed faster than any other comparable post-war situation, but it still has a very long way to go. War is an evil event in any society, the effects of which take years, decades and even generations to overcome.

230. Increasingly, we must concentrate on preventing the political development of the country from moving in a direction contrary to the Peace Agreement. In this regard, I am considering the need for us to prevent three courses of action, which might otherwise be pursued by one or the other of the political leaderships of the country or region.

231. The first of these, which needs to be blocked, is the military option. Until June 1998, the deterrent effect of the SFOR will ensure this. But it is, in my opinion, important that the message is sent that the international community will not tolerate any attempt to resort to armed force in the period thereafter.

232. It is only by removing the military option - the temptation to use military force, or the fear that military force will be used - that we can ensure the concentration, on the political, economic and social issues and challenges, so desperately required.

233. The second is the option of secession from Bosnia and Herzegovina. I am far less concerned with the dangers of overt secession - which will never be

tolerated by the international community - than with the evident risks of creeping secession concerning both the Croat and the Serb areas.

234. In this context, I have called attention to the nature of the concluded agreements on special and parallel relations with the Republic of Croatia and the Federal Republic of Yugoslavia. It is, in my view, necessary to bring these into line with the provisions of the constitution of Bosnia and Herzegovina.

235. The third of these options is that of domination of the existing political institutions by one group, namely the Bosniaks, with only lip-service being paid to the concept of power-sharing.

236. Indeed, there are signs of old structures being kept alive despite the fact that they should have been disbanded as the structures of the Federation and the new common institutions of Bosnia and Herzegovina are established. The fact that not one single ambassador has been appointed or reconfirmed, regardless of the agreement that this should have been carried out before 31 March, points to a similar danger of domination contrary to the spirit and letter of the Peace Agreement.

237. The challenges ahead remain large. It is easy to see what needs to be done as well as the difficulties we face. Nevertheless, if there is the right international commitment to Bosnia and Herzegovina and the region in the years ahead, I remain convinced that peace in the country will strengthen, as the simultaneous forces of European integration and cooperation create an increasingly strong web of stability and security for the region as a whole.

UNITED NATIONS **S**

Security Council

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S/1997/311
14 April 1997

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS MISSION IN PREVLAKA

I. INTRODUCTION

1. By its resolution 1093 (1997) of 14 January 1997, the Security Council decided, inter alia, to extend the mandate of the United Nations Mission of Observers in Prevlaka (UNMOP) until 15 July 1997. In the same resolution, the Council called upon the parties to adopt the practical options proposed by the United Nations military observers for the improvement of safety and security in the area as referred to in the report of the Secretary-General of 31 December 1996 (S/1996/1075) and requested me to report by 15 April 1997 on progress made in implementing those practical options, in particular regarding the freedom of movement of the military observers throughout the entire area and respect for the demilitarization regime. The present report is submitted pursuant to that request.

II. THE SITUATION IN THE AREA OF RESPONSIBILITY OF THE UNITED NATIONS MISSION OF OBSERVERS IN PREVLAKA

2. With an authorized strength of 28 military observers (see annex), UNMOP continues to monitor the demilitarization of the Prevlaka peninsula and of neighbouring areas in Croatia and the Federal Republic of Yugoslavia by carrying out vehicle and foot patrols on both sides of the border. As part of its work, it holds regular meetings with local authorities in order to reduce tension, improve safety and security and promote confidence between the parties. In this context, the Chief Military Observer, Col. Harold Mwakio Tangai (Kenya) held meetings with the authorities in Zagreb, Belgrade and Podgorica during February and March 1997 in order to discuss issues arising from resolution 1093 (1997).

3. While the situation in the UNMOP area of responsibility has been generally stable, tension increased as a result of several developments. In particular, concern mounted in the wake of a substantial increase, beginning in mid-December 1996, in the number of Croatian special police personnel in the United Nations designated zones. UNMOP estimates that the increase amounts to a doubling of the strength of the special police in those areas. Inquiries to both local and national authorities have failed to elicit an explanation of the increase. Also contributing to the tension was the fact that, on two occasions, Croatian heavy weapons were observed inside the demilitarized zone. In February 1997, a three-day exercise by the Yugoslav navy outside the UNMOP area

of responsibility prompted a strong reaction by Croatia, which partly restricted the movement of United Nations military observers on coastal roads inside the demilitarized zone for the duration of the exercise. The following month, the United Nations-controlled zone was violated by a Yugoslav navy missile boat. Croatian police boats also enter the United Nations-controlled zone occasionally.

III. PROGRESS TOWARDS ADOPTION OF THE PRACTICAL OPTIONS

4. Since the adoption of Security Council resolution 1093 (1997), the parties have made no progress towards adopting the practical options that are part of the procedures proposed by UNMOP in May 1996 to reduce tension and improve safety and security in the area. Long-standing violations of the demilitarization regime described in my last report (see S/1996/1075, paras. 6 and 7) persist. In connection with the proposed practical options, it should be noted that both parties continue to restrict the freedom of movement of UNMOP in the northern part of the demilitarized zone and that access elsewhere is denied randomly and even, at several Croatian positions, constantly. Minefields laid beside routes patrolled by United Nations military observers on both sides of the international border in the demilitarized zone still constitute a hazard to United Nations military observers.

5. In discussions with relevant authorities in Zagreb, Belgrade and Podgorica, the Chief Military Observer has conveyed the new elements contained in Security Council resolution 1093 (1997), in particular the Council's expression of concern at violations that had dangerously increased tension; its call to the parties to adopt the practical options and its request for a report by mid-April 1997 on progress made in that regard; and its call to the parties to cease and refrain from all violations and from military and other activities that might increase tension, to cooperate fully with the United Nations military observers and to ensure their safety and freedom of movement, including through the removal of landmines. The Chief Military Observer has offered specific suggestions to the parties on the lifting of restrictions on the United Nations military observers' freedom of movement and on the removal of landmines.

6. The Chief Military Observer has found no willingness among the parties to take unilateral steps to improve respect for the demilitarization regime in Prevlaka and its neighbouring areas. Although neither party refuses to consider removing minefields or lifting restrictions on the movement of United Nations military observers, both insist that such steps can be undertaken only in the context of a reciprocal arrangement. The experience of UNMOP has shown that the parties' requirement of guaranteed reciprocity makes meaningful progress on the issue extremely difficult, if not impossible.

7. The parties raised various concerns related to the work of UNMOP. In Zagreb, the Ministry of Foreign Affairs objected to the number of visitors to Prevlaka and to certain procedures followed by the military observers. Croatia has also questioned the balance of UNMOP assessments in its reporting. In Podgorica, President Momir Bulatović stated that UNMOP had attempted, with its proposed procedures for improvement of safety and security in the area, to reduce the dimensions of the so-called "Blue Zone", which is part of the demilitarized zone. Progress in adoption of the practical options would be unthinkable until an acceptable explanation of the reduction had been provided. This view is shared by the Federal Republic of Yugoslavia. It is, however, the

position of the Chief Military Observer that no revision of the dimensions of the United Nations designated zones was implied in the proposed procedures, which are aimed solely at improving the security and safety of the United Nations military observers and contributing to confidence-building between the parties.

IV. OBSERVATIONS

8. The parties have indicated to the Chief Military Observer that their continuing bilateral negotiations pursuant to the Agreement on Normalization of Relations, signed at Belgrade by Croatia and the Federal Republic of Yugoslavia on 23 August 1996, have not yet addressed the Prevlaka issues directly and that there has been no progress towards a settlement of the dispute. In this situation, UNMOP will continue to carry out its mandate, within the existing practical constraints. It will also continue its efforts to enhance security and safety in its area of responsibility and to contribute to confidence-building between the parties.

Composition of the United Nations Mission of Observers in Prevlaka as at 10 April 1997

Country	Military observers
Argentina	1
Bangladesh	1
Belgium	1
Brazil	1
Canada	1
Czech Republic	1
Denmark	1
Egypt	1
Finland	1
Ghana	2
Indonesia	2
Ireland	1
Jordan	1
Kenya	2
Nepal	1
New Zealand	1
Nigeria	1
Norway	1
Pakistan	1
Poland	1
Portugal	1
Russian Federation	1
Sweden	1
Switzerland	1
Ukraine	1
Total	28

UNITED NATIONS **S**

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LETTER DATED 10 APRIL 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to Security Council resolution 1100 (1997) of 27 March 1997, by which the Council decided to extend the mandate of the United Nations Military Observer Mission in Liberia (UNOMIL) until 30 June 1997.

I should like to inform the Council that Mr. Anthony B. Nyakyi (United Republic of Tanzania), who has been serving as my Special Representative for Liberia since 11 December 1994, will be completing his assignment on 15 April 1997. Mr. Nyakyi has performed his duties with professionalism and distinction and has made an important contribution to the cause of peace in Liberia, often under difficult circumstances.

Following the usual consultations, it is my intention to appoint Mr. Tuliameni Kalomoh, who is currently serving as Permanent Secretary in the Ministry of Foreign Affairs of Namibia, to succeed Mr. Nyakyi as my Special Representative for Liberia.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

97-10170 (E) 150497

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15 April 1997

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LETTER DATED 15 APRIL 1997 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 10 April 1997 (S/1997/312) concerning your intention to appoint Mr. Tuliameni Kalomoh (Namibia) to succeed Mr. Anthony B. Nyakyi (United Republic of Tanzania) as your Special Representative for Liberia has been brought to the attention of the members of the Council. They agree with the intention contained in the letter.

(Signed) António MONTEIRO
President of the Security Council

97-10176 (E) 150497

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General Assembly
Security Council

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15 April 1997

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GENERAL ASSEMBLY
Fifty-first session
Agenda item 58
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-second year

Letter dated 14 April 1997 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to a series of violations of the airspace of the Republic of Cyprus and of the flight information region of Nicosia by military aircraft of the Turkish Air Force, recorded from 6 to 9 April 1997.

On 6 April, 24 F-16 Turkish military planes, flying in formation from 0745 to 1415 hours, repeatedly violated the Nicosia flight information region and national airspace of the Republic of Cyprus.

On 7 April, 28 Turkish military planes, flying in formation from 0821 to 1636 hours, violated the Nicosia flight information region and national airspace of the Republic.

On 8 April, 14 Turkish military planes violated the Nicosia flight information region and national airspace of the Republic from 0757 to 0810 hours.

On 9 April, 26 F-16 Turkish military planes violated the Nicosia flight information region and national airspace of the Republic from 1027 to 1715 hours.

These Turkish actions heighten tension in Cyprus and are in contravention of the provisions of repeated Security Council resolutions on Cyprus, which state that such overflights increase political tension on the island and undermine efforts towards achieving a final settlement. At the same time, such unauthorized intrusions into the Nicosia flight information region and the

airspace of the Republic are in violation of international air traffic rules and seriously endanger civil aviation flights over Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to protest strongly against the new violations of the sovereignty and territorial integrity of the Republic of Cyprus, which are in complete disregard of international law, the Charter of the United Nations and the relevant decisions of the Organization on the question of Cyprus. The violations, moreover, continue to take place at a sensitive phase of the efforts to resume the intercommunal talks under your auspices.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 58, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Ambassador
Permanent Representative

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General Assembly
Security Council

Distr.
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A/51/875
S/1997/315
15 April 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Agenda item 39
THE SITUATION IN AFGHANISTAN AND ITS IMPLICATIONS FOR INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-second year

Identical letters dated 15 April 1997 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to forward herewith a letter dated 13 April 1997 addressed to you by Mr. Abdul Rahim Ghafoorzai, Acting Minister for Foreign Affairs of the Islamic State of Afghanistan.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly under agenda item 39 and of the Security Council.

(Signed) A. G. Ravan FARHÂDI
Ambassador
Permanent Representative

Annex

Identical letters dated 13 April 1997 from the Acting Minister for Foreign Affairs of Afghanistan addressed to the Secretary-General and to the President of the Security Council

On behalf of the Government of the Islamic State of Afghanistan, I have the honour to draw your attention to the recent developing situation in Afghanistan, endangering the peace process in the country and jeopardizing peace and stability in the entire region.

According to reliable accounts, the Taliban mercenaries, heavily reinforced from outside, have very recently planned to once again wage a massive military operation against the northern parts of the country within the upcoming days. The mobilization of forces carried out with direct cross-border assistance already having reached the capital Kabul, continues to develop at an enormous rate. Thousands of paramilitary militia from outside, whose identity and nationality have been well explained in previous communications addressed to the President of the Security Council and to the Secretary-General of the United Nations, are part of this mobilization. The Council, however, will recall that the involvement of foreign military personnel in the Afghan conflict was identified as inadmissible in Security Council resolution 1076 (1996) as well as in General Assembly resolution 51/195 of 17 December 1996.

Greatly concerned, the Islamic State of Afghanistan wishes to request you to take appropriate preventive measures in order to halt the planned massive military assault which would inevitably entail the loss of many lives of the innocent civilian population. Nevertheless, the allied forces of the Supreme Council for the Defence of Afghanistan continue to take appropriate responsive measures to offset the onslaught.

The Islamic State of Afghanistan once again expresses its support for the efforts of the United Nations Special Mission to Afghanistan, headed by Mr. Norbert Holl. If all sides involved in the conflict, as well as the neighbouring countries, sincerely cooperated in the United Nations endeavours for peace and stability in Afghanistan, the objectives of the related resolutions of the General Assembly and of the Security Council could be realized.

(Signed) Abdul Rahim GHAFOORZAI
Acting Foreign Minister

UNITED NATIONS **S**

Security Council

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S/1997/316
16 April 1997
ENGLISH
ORIGINAL: ENGLISH AND RUSSIAN

Draft resolution

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent resolutions,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to full implementation by the Government of Angola and the Uniao Nacional para a Independencia Total de Angola (UNITA) of the "Acordos de Paz" (S/22609, annex), the Lusaka Protocol (S/1994/1441, annex) and the relevant Security Council resolutions,

Expressing its satisfaction with the recent progress in the peace process, including the approval by the Angolan National Assembly of the special status for the leader of UNITA as the Leader of the Largest Opposition Party and the seating of the UNITA deputies in the National Assembly on 9 April 1997,

Reiterating that the ultimate responsibility for the completion of the peace process rests with the Angolans themselves,

Having considered the reports of the Secretary-General of 7 February 1997 (S/1997/115) and 14 April 1997 (S/1997/304),

1. Warmly welcomes the inauguration on 11 April 1997 of the Government of Unity and National Reconciliation (GURN);

2. Strongly urges the parties, acting through the GURN and with the continued support of the Joint Commission, to complete without delay the remaining military aspects of the peace process, including the incorporation of UNITA soldiers into the Angolan Armed Forces and demobilization, and the selection and incorporation of UNITA personnel into the Angolan National Police, as well as to move ahead with the political tasks, in particular the normalization of State administration throughout the national territory; in this context, considers that a meeting between the President of Angola and the leader

of UNITA within the territory of Angola would contribute to this process of national reconciliation, and expresses its hope that such a meeting will take place;

3. Welcomes the recommendations contained in the report of the Secretary-General of 14 April 1997;

4. Decides to extend the mandate of UNAVEM III until 30 June 1997 to assist in the implementation of these remaining tasks, with the understanding that UNAVEM III will begin, as appropriate, to proceed with the transition towards an observer mission as described in section VII of the report of the Secretary-General of 7 February 1997 (S/1997/115) using resources already provided or allocated to the mission for the period ending 30 June 1997;

5. Requests the Secretary-General to complete the withdrawal of UNAVEM III military units as scheduled, taking into account progress in the remaining relevant aspects of the peace process;

6. Expresses its intention to consider the establishment of a follow-on United Nations presence, bearing in mind the reports of the Secretary-General of 7 February 1997 and 14 April 1997, which would succeed UNAVEM III, and requests the Secretary-General to submit for its consideration, no later than 6 June 1997, a report containing his recommendations regarding the structure, specific goals, and cost implications of such a mission;

7. Decides to remain actively seized of the matter.